

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE NOCO COMPANY,)	CASE NO. 1:20-cv-02322
)	
Plaintiff,)	JUDGE PAMELA A. BARKER
)	
v.)	
)	
AUKEY TECHNOLOGY CO. LTD., et)	
al.,)	
)	
Defendants.)	
)	

AFFIDAVIT OF JONATHAN NOOK

STATE OF OHIO)	
)	
CUYAHOGA COUNTY)	ss: AFFIDAVIT

The undersigned, Jonathan Lewis Nook, first being duly sworn according to law, deposes and states as follows:

1. I am over 18 years old and have personal knowledge of the facts attested to in this affidavit.

2. I am the Chief Visionary Officer of Plaintiff The NOCO Company (***"NOCO"***).

3. NOCO designs, manufactures, and markets automotive accessories, such as jump starters, battery chargers, and other portable power devices for vehicles.

4. NOCO currently sells its products on Amazon.com, Inc.'s (***"Amazon"***) United States e-commerce platform (the ***"Amazon Marketplace"***).

5. I maintain contact and communicate with Amazon's representative(s) about NOCO's business on the Amazon Marketplace on a regular basis.

6. In particular, I discuss with Amazon representative(s) improper manipulation of the jump starter market on the Amazon Marketplace.

7. In early 2020, NOCO began experiencing an unexpected decrease in sales of certain NOCO products on the Amazon Marketplace.

8. As a result, NOCO began investigating and discovered that NOCO products that previously received Amazon's Best Seller Badge (the "**Badge**") on a regular basis were no longer receiving the Badge.

9. As the premier retailer of jump starters on the Amazon Marketplace, NOCO products typically received the Badge for certain Amazon browse nodes ("**Browse Nodes**").

10. Amazon permits NOCO to place its products in certain Browse Nodes, such as "Jump Starters," "Automotive Performance Batteries & Accessories," and "Automotive Replacement Batteries & Accessories." NOCO regularly lists its products in these and other Browse Nodes.

11. NOCO discovered that its products were not receiving the Badge in certain Browse Node because NOCO products were not listed within the Browse Node, although NOCO specifically listed its products in those Browse Nodes. Not until NOCO products were re-listed within the Browse Node were the products eligible for the Badge.

12. NOCO products were repeatedly removed from the Browse Nodes. Therefore, I alerted Amazon to these occurrences and requested that Amazon investigate.

13. Amazon communicated to me that, in the course of its investigation, which included discussions internally and with me, Amazon discovered that certain Amazon seller teams, located in China and India, were removing NOCO products from the Browse Nodes.

14. Amazon further communicated to me that it requested that the China and India seller teams stop removing NOCO from the Browse Nodes.

15. However, NOCO products continued to be removed from the Browse Nodes, and Amazon could only retroactively return NOCO products to the Browse Node.

16. When NOCO products are removed from the Browse Nodes, Tacklife-branded products often received the Badge.

17. Ultimately, Amazon notified me that Defendants Shenzhenshi Jaingyun Shangmaoyouxiangongsi (“**HuiMing**”), and Wodeshijikeji Shenzhen Youxiangongsi (“**WorldUS**”) (together, the “**3P Defendants**”) requested that Amazon employees remove NOCO products from the Browse Nodes.

18. After months where NOCO products were continually being removed from the Browse Nodes and the Badge was placed onto Tacklife-branded products, NOCO requested that Amazon take action.

19. Specifically, I requested that Amazon remove Defendants’ Tacklife products from the Amazon Marketplace.

20. However, Amazon stated that the results of the investigation were given to the Amazon Abuse Team and that any action taken regarding Defendants’ would be taken by that team. To my knowledge, no action has taken place.

21. In October 2020, after Amazon notified me that the 3P Defendants were responsible and I requested their removal, NOCO products again were removed from the Browse Nodes and lost the Badge.

22. In November 2020, during the Thanksgiving holiday weekend, including “Black Friday,” NOCO products were again removed from the Browse Nodes. And in this instance, the Defendants also started altering the browse nodes of our Battery Charger products.

23. In December of 2020, the Defendant again removed NOCO’s Battery Chargers from its browse nodes.

24. From May 2020 to December 2020, NOCO products were removed from Browse Nodes on no less than ten (10) occasions.

25. The Badge attracts consumers to NOCO products and increases NOCO’s sales.

26. When a NOCO product lost the Badge, NOCO lost revenue and sales related to that product.

FURTHER AFFIANT SAYETH NAUGHT.

Jonathan Nook
JONATHAN LEWIS NOOK

SWORN TO BEFORE ME and subscribed in my presence this 3rd day of
December, 2020.

see attachment
NOTARY PUBLIC

JURAT

State/Commonwealth of VIRGINIA)
)
☐ City ☒ County of Prince William)

On 12/03/2020, before me, Lucious Morris White Jr.,
Date Notary Name

the foregoing instrument was subscribed and sworn (or affirmed) before me by:

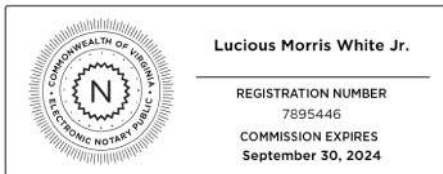
Jonathan Lewis Nook

Name of Affiant(s)

☐ Personally known to me -- **OR** --

☐ Proved to me on the basis of the oath of _____ -- **OR** --
Name of Credible Witness

☒ Proved to me on the basis of satisfactory evidence: passport
Type of ID Presented



WITNESS my hand and official seal.

Notary Public Signature: Lucious Morris White Jr.

Notary Name: Lucious Morris White Jr.

Notary Commission Number: 7895446

Notary Commission Expires: 09/30/2024

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Affidavit For Jonathan Nook

Document Date: 12/03/2020

Number of Pages (including notarial certificate): 6